

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

EMERY NELSON SLAYDEN,

Plaintiff,

v.

VICKIE MONROE, WILLIAM KEPHART,
EIGHTH JUDICIAL DISTRICT COURT,

Defendants.

Case No. 2:25-cv-00691-RFB-EJY

**ORDER
AND
REPORT AND RECOMMENDATION**

Pending before the Court is Plaintiff's incomplete application to proceed *in forma pauperis* ("IFP") and Civil Rights Complaint. ECF Nos. 1, 1-1. Prisoners seeking to proceed without prepaying filing fees must submit three documents. Local Special Rule ("LSR") 1-2. These include a complete application to proceed *in forma pauperis* on the Court's form, a certificate from the institution certifying the amount of funds currently held in the plaintiff's trust account, and the net deposits in the plaintiff's account for the six months before the date of submission of the application. LSR 1-1, 1-2. Plaintiff's application is on the wrong form and he fails to include the additional documentation required under LSR 1-2.

Even if the Court presumes Plaintiff can correct his non-compliant IFP application, the Court finds Plaintiff fails to state a cognizable claim. The Court is empowered to dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Here, Plaintiff sues one entity and two individuals for money damages each of which is immune from suit. ECF No. 1-1.

In his case caption Plaintiff states he is suing the Eighth Judicial District Court. ECF No. 1, 1-1. The Eighth Judicial District Court is an arm of the State of Nevada. "Nevada has eleven judicial districts making up the state's general jurisdiction courts. These district courts serve Nevada's 17 counties. The 11 Judicial Districts are served by 82 District Court judges who serve their elected counties but have jurisdiction to serve in any district court in the state"; and "the court serves as the trial court for Nevada and is part of the judicial branch of state government as set forth by the Nevada

1 Constitution.” <http://www.clarkcountycourts.us/general/>. As an arm of the State of Nevada, the
 2 Eighth Judicial District Court is immune from suit under 42 U.S.C. § 1983. *Foley v. Graham*, Case
 3 No. 2:16-cv-1871-JAD-VCF, 2016 WL 11185427, at *3 (D. Nev. Sept. 13, 2016).

4 Further, in Plaintiff’s list of defendants he includes two Assistant District Attorneys (Vickie
 5 Monroe and William Kephart). ECF No. 1-1 at 2. Prosecutors are immune from suit. *Imbler v.*
 6 *Pachtman*, 424 U.S. 409, 427, 430 (1976) (state prosecutors are absolutely immune from § 1983
 7 actions when performing functions “intimately associated with the judicial phase of the criminal
 8 process.”).

9 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma*
 10 *pauperis* (ECF No. 1) is DENIED without prejudice.

11 Given that Plaintiff cannot cure the defect of immunity from suit, IT IS HEREBY
 12 RECOMMENDED that Plaintiff not be given leave to amend and his Complaint (ECF No. 1-1) be
 13 dismissed with prejudice.

14 Dated this 22nd day of April, 2025.

15 
 16 ELAYNA J. YOUCHAH
 17 UNITED STATES MAGISTRATE JUDGE
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19 **NOTICE**

20 Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in
 21 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court holds
 22 the courts of appeal may determine that an appeal has been waived due to the failure to file objections
 23 within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit also held
 24 that (1) failure to file objections within the specified time and (2) failure to properly address and
 25 brief the objectionable issues waives the right to appeal the District Court’s order and/or appeal
 26 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
 27 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
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